

06-23-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard F. Keenan

Examiner: Clark Dexter

Ser. No.: 10/811,024

Group Art Unit: 3724

Filed: 3/26/2004

Status: Response to FOA mailed 02/24/06

Response Due: 06/24/2006
(with 1 month extension)

Title: Sawdust Collector for Table Saws

AMENDMENT

Hon. Commissioner for Patents and Trademarks
Washington D. C. 20231.

Sir,

This is a response to the Office Action from Primary Examiner Clark Dexter mailed February 24, 2006. This response is being submitted within the 4-month response period; a one-month extension was submitted by applicant and entered, according to the PAIR system, on May 22, 2006.

Information Disclosure Statement

The Office Action states that the article on page 2 of Form 1449 (originally filed) was not considered because the article was not received. The article has been sent in a separate letter with a new Form 1449 for examiner's consideration.

Interview on May 22, 2006-06-14

Applicant acknowledges a telephone interview of Richard Keenan and Francis Lorin, Mr. Keenan's associate, with Primary Examiner Clark Dexter held on May 22, 2006 at 4:15pm. No agreement was made.

The discussion was directed to clarification of the restriction and to the rejection of the claims over Moore et al., particularly to the relationship of the upper opening with the attachment feature around the outer perimeter of the opening for attaching the bag to the underside of a table saw.

In the Interview Summary, mailed May 31, 2006, on the Continuation Sheet for the "Continuation of Substance of Interview", examiner states how Moore meets the claimed invention. Specifically, examiner states that the claims require that the fastener is located on the outer periphery of the opening that Moore's zipper 150 is disposed on the outer periphery of the opening that is closed by the zipper (corresponding to the "fastener" of applicant's claims).

However, as will be discussed in more detail under the heading regarding the claim rejections, the "fastener structure" of applicant's originally filed claims is "capable of removable attachment to a corresponding cooperating fastener structure on the table saw". The zipper of Moore fails to meet this recited requirement, and, therefore, does not fulfill the requirements of 35 USC 102.

Furthermore, the structure of Moore is not capable of collecting sawdust as required in applicant's originally filed claims, since Moore's structure is merely a sand hopper used for dispensing into a railway locomotive's sand pots, see Moore et al., column 2, lines 52-56 and 60-62, column 6, lines 5-45, and column 7, lines 55-63. The bag structure of Moore clearly does not meet the requirements of applicant's originally filed claims.

Restriction Requirement

The Office action cover sheet, item 4, PTOL-326, states that claims 1-17 claims are pending; this corresponds with applicant's originally filed application. Item 4a states that claims 5-12 are withdrawn and at item 6, claims 1-4 and 13-17 are rejected.

However, the restriction requirement in the Office action, paragraphs 2-3, pages 2-3, is silent regarding the status of independent claim 13. More specifically, the Office action states that restriction is between Group I, claims 2-4 and 14-17, and Group II, claims 5-12, and that independent claim 1 is a "linking claim".

Applicant believes that independent claim 13 is also a linking claim, linking the same inventive Groups I and II as does claim 1.

It is also noted that claim 13 is included in the set of claims being examined, as stated at paragraph 7, page 4 of the Office Action.